

be thrown aside." Considering that the classification is largely hypothetical and somewhat inconsistent, this language is rather hyperbolic. The author, for whom psychical phenomena must be well demonstrated to be accepted, says: "Perversion of the moral nature may be so great as to justify the use of the term moral insanity." The chapter on causation contains nothing new nor newly put. The remarks on heredity are, however, much more judicial than might have been expected from the philistine tendencies of the author, and the same might may be said of the remarks on masturbation, alcohol, and religion. In his discussion of acute delirious mania, he confuses the confusional insanities of exhaustion, Bell's disease, and transitory frenzy in one disease. The remarks on the pathology of mania sound strange in the light of American and Continental researches. Under hypochondriasis the author confuses very different conditions. Under melancholia he confuses stuporous insanity, katatonia, phthisical insanity, and many diverse types with persecutorial delusions. The author entertains views as to the responsibility of the insane unjustifiable from the standpoint of abstract justice. To the alienist the book is of some value. To the general practitioner and medical student it is a very deceptive guide on account of its plausible simplicity.

J. G. KIERNAN.

**The Adjudged Cases on Insanity as a Defence to Crime.** By JOHN D. LAWSON, St. Louis. T. H. Thomas & Co., 1884.

This work has for motto the following citation from (*Cunningham v. State*, 56 Miss., 269) a judge's charge: "There is perhaps no subject connected with the common law upon which the authorities are more hopelessly in conflict than this." To a work of the kind projected by Mr. Lawson this motto is eminently appropriate, since, as he says, its object is to present in a single volume all the reported cases where insanity has been set up as defence of a criminal charge, and has been passed upon by a court of justice in America or Great Britain, and these cases illustrate very decidedly that the proverb about doctors disagreeing was more applicable to doctors of law than to doctors of medicine.

The first chapter is devoted to tests of insanity, and the legal tests of insanity advanced are as follows: The first test is the child-test enunciated by Lord Hale: "Such a person as, laboring under melancholy distempers, hath yet ordinarily as great understanding as ordinarily a child of fourteen years hath, is such a person as may be guilty of treason or felony." Chief-Justice Tracy a little later enunciated the dictum that: "Such a madman as is to be exempted from punishment . . . must be a man that is totally deprived of his understanding and memory, and doth not know what he is doing no more than an infant, a brute, or a wild beast." The test of knowledge of right or wrong in the abstract was first enunciated by Judge Mansfield on the trial of Bellingham,

an undeniable lunatic, who was thereby convicted and condignly hung. This test was very soon modified into a test of knowledge of right and wrong as applied to the particular case. Of these four legal tests the fourth is only to any extent accepted in the United States, and reigns supreme in Alabama, California, Delaware, Georgia, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas. In Illinois, Indiana, and New Hampshire the doctrine is accepted that there can be *no* abstract legal test of insanity. Mr. Lawson makes the astonishing statement that Judge Cox's "learned" charge in the Guiteau case has gone a great way to establishing the rule that delusion to constitute a defence must be objective as distinguished from subjective. It is hardly credible that in making this statement Mr. Lawson has clearly comprehended the meaning of the words used. From a scientific psychiatric standpoint Mr. Lawson's discussion of delusions is an absurdity, and his ideas denote a belief that legal enactments or decisions can annul scientific facts.

Chapter second is devoted to discussion of the question of the burden of proof of insanity. In Delaware the burden of proof is on the prisoner. In Alabama insanity must be proved beyond a reasonable doubt. In Iowa insanity must be established to the satisfaction of the jury. The same is the case in Kentucky, where a doubt does not justify acquittal. In Maine the same view is held. In Missouri it is not necessary that it be proved beyond a reasonable doubt. In Ohio the jury must be satisfied that the prisoner is insane, and the same is the case in Pennsylvania. In Illinois it suffices to raise a reasonable doubt, and the burden of proof does not lie on the prisoner; the same view is held in Indiana, Kansas, Michigan, Mississippi, New Hampshire, and Nebraska. In New York and Tennessee it has been *at times* held that the burden of proof is on the prosecution. It is obvious that legal dicta are decidedly contradictory.

The third chapter is devoted to drunkenness, and contains the usual contradictory decisions. Chapter four is devoted to kleptomania and somnambulism, and it appears that legal decisions in Texas recognize kleptomania as a type of insanity, from which it logically follows that uncontrollable impulse is legally recognizable. The fifth chapter is devoted to evidence and practice. The sixth chapter is devoted to the discussion of decisions bearing on the question of insanity at trial or after conviction. Taking the work as a whole, it is of decided value to the forensic alienist, more particularly in the English-speaking countries, for in all of these, English common law prevails. The notes of Mr. Lawson are of unequal value, and do not manifest that familiarity with psychiatry which one would expect from a gentleman whose psychological knowledge is of no mean character, and who evidently has a decided penchant for medico-legal topics. The style is, as a rule, excellent. The work is fairly well issued.

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